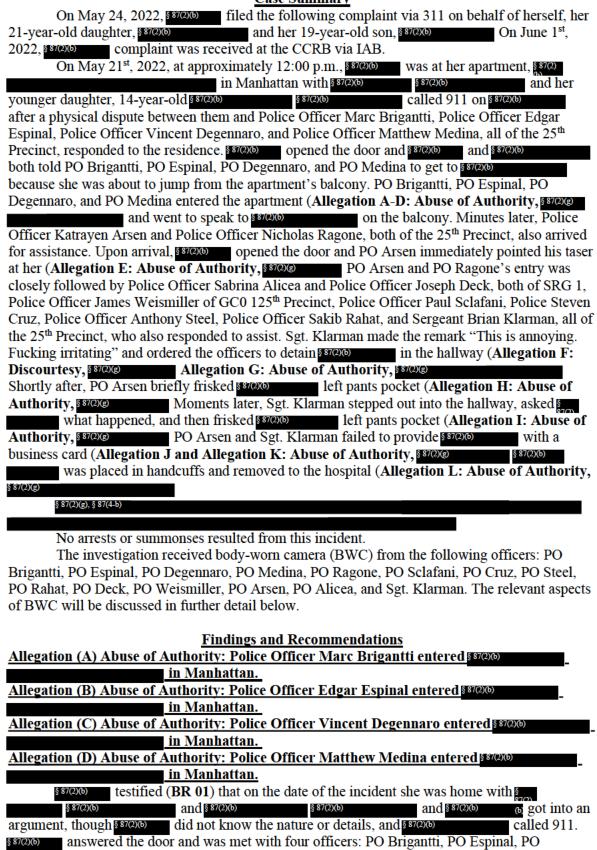
CCRB INVESTIGATIVE RECOMMENDATION

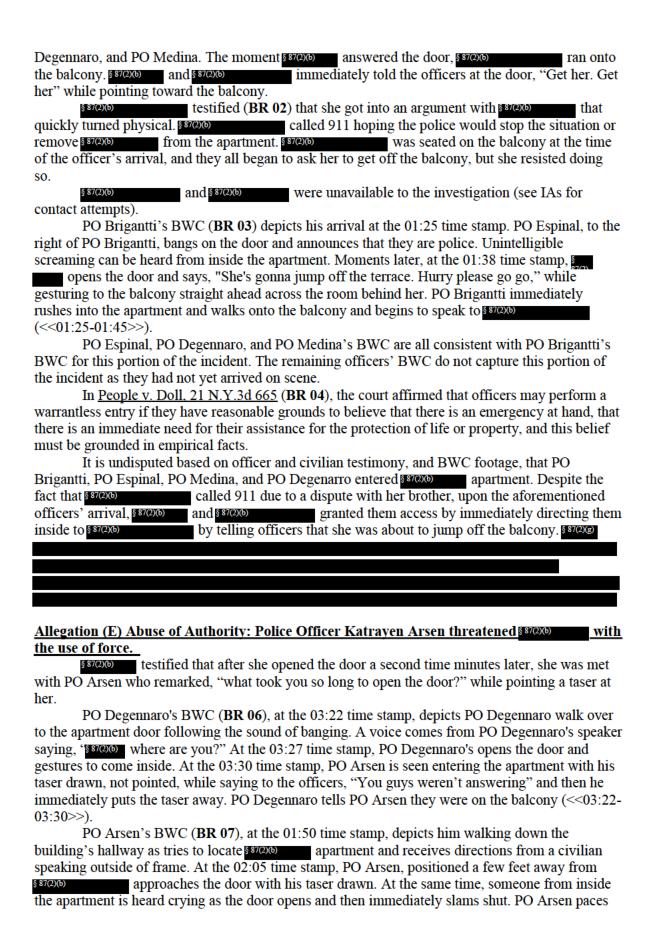
Investigator:		Team:	CCRB Case #:		Force	V	Discourt.	U.S.
Francesca Chery		Squad #14	202203510	V	Abuse		O.L.	☐ Injury
Incident Date(s)		Location of Incident:			18 N	Io. S	OL	Precinct:
Saturday, 05/21/2022 12:00 PM		§ 87(2)(b)			11/2	21/202	23	25
Date/Time CV Reported		CV Reported At:	How CV Reported:		Date/Tim	e Rec	eived at CC	RB
Tue, 05/24/2022 4:12 AM		IAB	Phone		Wed, 06/	01/202	22 8:37 AM	1
Complainant/Victim	Type	Home Addre	ess					
Witness(es)		Home Addre	ess					
Subject Officer(s)	Shield	TaxID	Command					
1. PO Matthew Medina	18249	956916	025 PCT					
2. PO Edgar Espinal	01190	963503	025 PCT					
3. PO Vincent Degennaro	22808	969641	025 PCT					
4. PO Marc Brigantti	02369	963412	025 PCT					
5. PO Katrayen Arsen	22703	962224	025 PCT					
6. SGT Brian Klarman	00572	946506	025 PCT					
Witness Officer(s)	Shield N	o Tax No	Cmd Name					
1. PO Nicholas Ragone	16424	959910	025 PCT					
2. PO Paul Sclafani	20950	963266	025 PCT					
3. PO James Weismiller	10920	955657	025 PCT					
4. PO Steven Cruz	00809	966010	025 PCT					
5. PO Anthony Steel	06748	949694	025 PCT					
6. PO Sakib Rahat	20216	968725	025 PCT					
7. PO Joseph Deck	08350	947736	025 PCT					
8. PO Sabrina Alicea	07951	948603	025 PCT					
Officer(s)	Allegatio	n			Inv	estiga	ntor Recon	nmendation
A.PO Marc Brigantti	Abuse: P § 87(2)(b)	olice Officer Marc Brig	antti entered in Man	hat	tan.			
B.PO Edgar Espinal	Abuse: P § 87(2)(b)	olice Officer Edgar Esp	inal entered in Man	hat	tan.			
C.PO Vincent Degennaro	Abuse: P	olice Officer Vincent D	egennaro entered in Man	hat	tan.			
D.PO Matthew Medina	Abuse: P	olice Officer Matthew M	Medina entered in Man	hat	tan.			
E.PO Katrayen Arsen		olice Officer Katrayen A	Arsen threatened \$870	2) (b)				

Officer(s)	Allegation	Investigator Recommendation
F.SGT Brian Klarman	Discourtesy: Sergeant Brian Klarman spoke discourteously to \$87(2)(b)	
G.SGT Brian Klarman	Abuse: Sergeant Brian Klarman detained § 87(2)(b)	
H.PO Katrayen Arsen	Abuse: Police Officer Katrayen Arsen frisked § 87(2)(b)	
I.SGT Brian Klarman	Abuse: Sergeant Brian Klarman frisked §87(2)(b)	
J.PO Katrayen Arsen	Abuse: Police Officer Katrayen Arsen failed to provide with a business card.	
K.SGT Brian Klarman	Abuse: Sergeant Brian Klarman failed to provide with a business card.	
L.SGT Brian Klarman	Abuse: Sergeant Brian Klarman forcibly removed to the hospital.	
§ 87(2)(g), § 87(4-b)		

Case Summary



CCRB Case # 202203510



for a few moments while yelling the name (1870) and at the 02:15 time stamp, PO Arsen stands in front of (1870) with his taser pointed downward, the red light on the doorknob and a moment later, PO Degennaro opens the door (1870) is not visible) and then PO Arsen's taser leaves the frame. PO Arsen asks PO Degennaro what took him so long to open the door and moments later (1870) walks up behind PO Degennaro while holding her hand out and apologizing (150-02:25>>).

The remaining set of officers' BWC do not depict this allegation due to where they are positioned both inside and outside of the apartment.

PO Arsen testified (BR 08) that he unholstered his taser as a safety precaution because as he approached the apartment, he heard a lot of commotion and did not know what was going. At no point during the incident did PO Arsen nor did any officer point their taser at \$870,000

PO Arsen's testimony and BWC footage were consistent in that PO Arsen did not point his taser at \$870,000 as a salleged. Additionally, BWC showed that \$870,000 was not close to the door when the taser drawn as a precautionary measure.

Allegation (F) Discourtesy: Sergeant Brian Klarman spoke discourteously to

PO Degennaro's BWC, at the 04:00 time stamp, depicts PO Degennaro walking through the apartment alongside other officers. In the background, strong is heard screaming incoherently and Sgt. Klarman instructs officers to walk strong outside the apartment while repeating that strong is not under arrest. PO Degennaro continues to walk through the apartment and walks out the door as Sgt. Klarman continues to say that strong is not under arrest. At the 04:52 time stamp, PO Degennaro is now standing right outside the apartment with the door still wide open. Sgt. Klarman is to the immediate left and begins moving back inside the apartment while stating, at 4:52 to 4:54, "This is annoying. Fucking irritating." Sgt. Klarman turns to strong and strong and strong who are directly in front of him, and instructs them to stay back from the hallway and to calm down (<<04:00-05:00>>).

Sgt. Klarman's BWC is consistent with PO Degennaro's BWC for this portion of the incident.

did not raise this allegation during her CCRB interview.

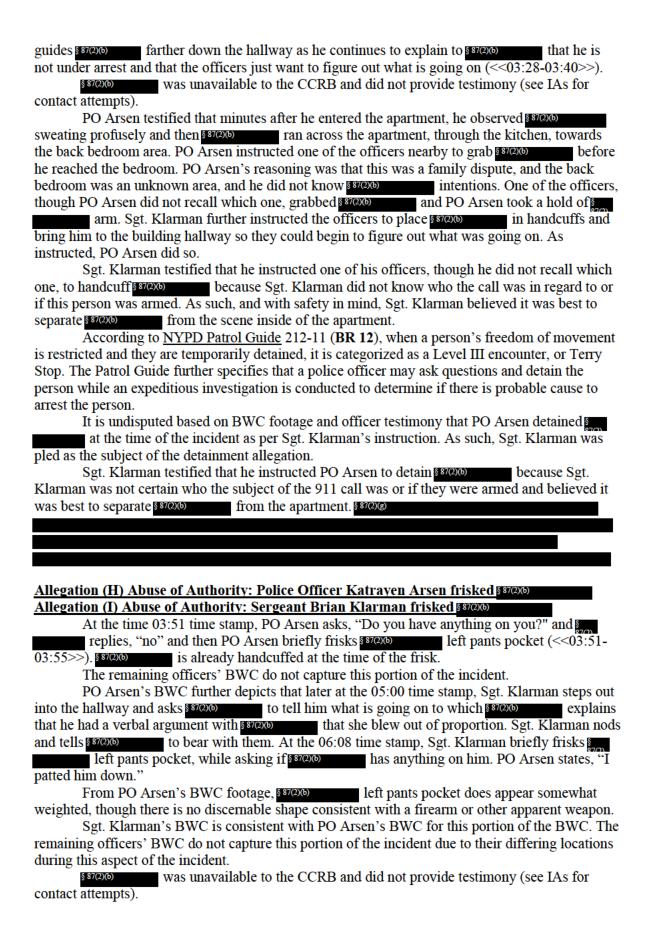
Sgt. Klarman testified (BR 09) that he did not have an independent recollection of making the remark, "This is annoying. Fucking irritating" or otherwise using any discourteous language. During Sgt. Klarman's interview, he was shown the BWC footage three times that depicted him using profanity. Sgt. Klarman, who was promoted to the rank of Lieutenant since this incident and was thus interviewed remotely via Microsoft Teams, testified that he could not hear the general tenor of his voice, nor could he hear himself say the words "fucking irritating" and attributed his inability to hear due to Microsoft Teams.

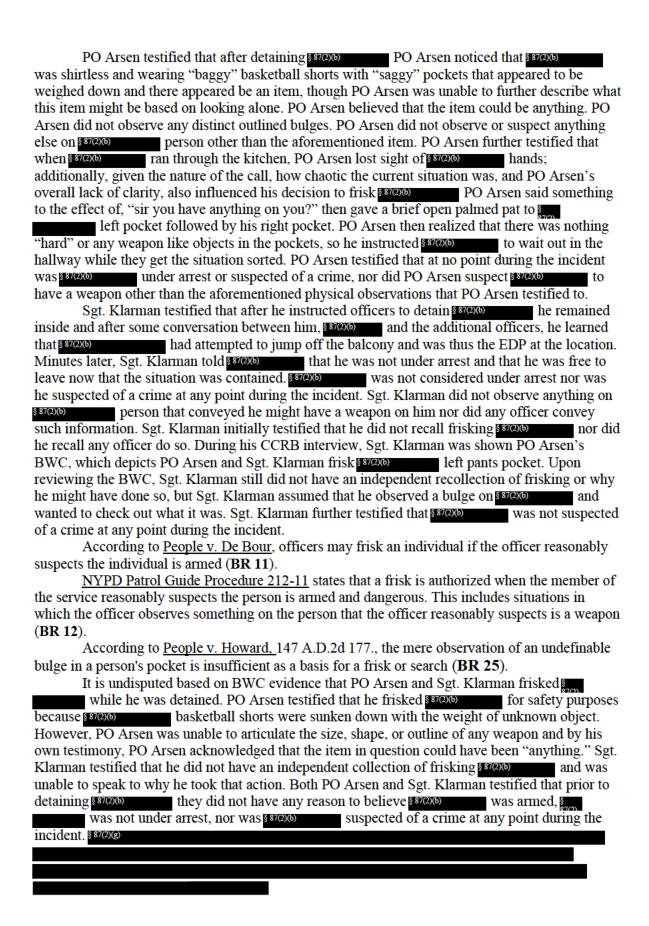
According to NYPD Patrol Guide Procedure 200-02 (BR 10), police officers are expected to maintain a higher standard of integrity than is generally expected of them and value human life, respect the dignity of each individual and render their services with courtesy and civility.

Despite Sgt. Klarman's lack of independent recollection for the use of "fucking irritating" towards BWC evidence depicts Sgt. Klarman's use of this discourteous language.

Allegation (G) Abuse of Authority: Sergeant Brian Klarman detained

PO Arsen's BWC at the 03:28 time stamp depicts PO Arsen handcuff and bring him out into the hallway. PO Arsen states, "He's not under arrest, he's detained." PO Arsen





Allegation (J) Abuse of Authority: Police Officer Katrayen Arsen failed to provide \$87(2)(6) with a business card. Allegation (K) Abuse of Authority: Sergeant Brian Klarman failed to provide 887(2)(b) with a business card. PO Arsen and Sgt. Klarman both testified that they did not provide § 87(2)(b) business card following the frisk. PO Arsen and Sgt. Klarman both testified that given the circumstances, providing a business card to \$87(2)(5) was not required of them. According to Administrative Code § 14-174 (BR 13), "during a law enforcement activity, including frisks, an officer shall offer a business card to such person at the conclusion of any such activity that does result in an arrest or summons." It is undisputed that PO Arsen and Sgt. Klarman did not provide \$87(2)(b) business card following the frisk. While PO Arsen and Sgt. Klarman both testified that they were not required to provide a business card, as per the Administrative Code, PO Arsen and Sgt. Klarman were required to provide a business card to \$87(2)(b) following their law enforcement activity of frisking him. § 87(2)(g) Allegation (L) Abuse of Authority: Sergeant Brian Klarman forcibly removed \$87(2)(b) to the hospital. § 87(2)(b) and § 87(2)(b) both testified that after the second set of officers responded to the scene, \$87(2)(b) was placed in handcuffs and led downstairs to the awaiting ambulance despite their combined verbal protests. \$\sqrt{97(2)(5)}\$ was immediately removed to the hospital. Sgt. Klarman testified that once § 87(2)(6) was identified as a suicidal EDP, Sgt. Klarman instructed the officers to place \$87(2)(b) in handcuffs so that could be escorted to the ambulance outside. As mentioned above in Allegations A-D, the initial four responding officers' BWC, PO Brigantti, PO Espinal, PO Degennaro, and PO Medina, were all consistent in that upon arrival they learned from § 87(2)(b) that § 87(2)(b) was on the apartment balcony and was likely to jump. PO Brigantti's BWC, at the 01:50 time stamp, depicts him go into the apartment and walk straight ahead to the balcony where § 87(2)(b) stands and says that the officers are not here for her but rather \$87(2)(b) \$87(2)(b) begins yelling that she is not going to do anything and the 01:58 time stamp, PO Brigantti attempts to pull \$87(2)(6) further into the apartment while telling her to come talk. At the 02:04 time stamp, §87(2)(b) slides the balcony door shut and walks further onto the balcony out of frame. After a few moments, PO Brigantti, PO Espinal, PO Degennaro, and PO Medina all step onto the balcony and attempt to convince \$87(2)(6) to come inside and speak to them which she continuously verbally protests and insists that the officers are here for \$87(2)(b) not her. At the 03:25 time stamp, \$87(2)(b) apartment while yelling for the officers to get \$87(2)(b) because that is who she called 911 on (<<01:50-03:30>>).

PO Espinal, PO Degennaro, and PO Medina's BWC are all consistent with PO Brigantti's BWC for this portion of the incident. The remaining officers's BWC do not capture this portion of the incident as they had not yet arrived on scene.

According to NYPD Patrol Guide 221-13 (**BR 05**), "a person who appears to be mentally ill or temporarily deranged and is conducting himself in a manner which a police officer reasonably believes is likely to result in serious injury to himself or others" is considered an emotionally disturbed person (EDP). Further, "upon arrival at scene, assess situation as to threat of immediate serious physical injury to EDP, other persons present, or members of the service and request an ambulance, if one has not already been dispatched."

37(2)	(g), § 87(4-b)
	Civilian and Officer CCRB Histories This is the first complaint to which \$87000 has been a party (BR 16). This is the first complaint to which \$87000 has been a party (BR 17). This is the first complaint to which \$87000 has been a party (BR 18). PO Arsen has been a member of service for six years and has been a subject in two CCRB
	complaints and two allegations, none of which were substantiated. [887@)@
	Sgt. Klarman has been a member of service for 15 years and has been a subject in 11 CCRB complaints and 16 allegations, none of which were substantiated.
	Mediation, Civil, and Criminal Histories
	declined to mediate this complaint. As of March 24 th , 2023, the New York City Office of the Comptroller has no record of a Noti of Claim for \$87(20) being filed in regard to this incident (BR 20).
	As of March 24 th , 2023, the New York City Office of the Comptroller has no record of a Noti of Claim for \$87(20) being filed in regard to this incident (BR 19).
	As of March 24 th , 2023, the New York City Office of the Comptroller has no record of a Noti of Claim for second being filed in regard to this incident (BR 21).
	[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Investigator:	Francesca Chery	Inv. Francesca Chery	08/03//2023	
	Signature	Print Title & Name	Date	
Squad Leader:	Cassandra Fenkel Signature	IM Cassandra Fenkel Print Title & Name	08/03/2023 Date	
Reviewer:				
	Signature	Print Title & Name	Date	